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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/748,955	12/30/2003	Donald J. Bowen	1014-045 (2001-0341)	7883
26652	7590	08/04/2008	EXAMINER	
AT&T CORP. ROOM 2A207 ONE AT&T WAY BEDMINSTER, NJ 07921			HIGA, BRENDAN Y	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/748,955	Applicant(s) BOWEN ET AL.	
	Examiner BRENDAN Y. HIGA	Art Unit 2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/30/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to the application filed on December 30, 2003.

Claims 1-20 are pending.

Priority

No claim for priority has been made in this application.

The effective filing date for the subject matter defined in the pending claims in this application is December 30, 2003.

Drawings

The examiner contends that the drawings submitted on December 30, 2003 are acceptable for examination proceedings.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the term "machine readable medium" in claim 19 is not defined by the applicant's specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2151

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-9, 13-15 and 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nassar (US 2004/0004968) (“Nassar”) in view of Watanabe et al. (US 2003/0148777) (“Watanabe”).

As per claim 1 Nassar teaches a method comprising:

In response to an user's request for at least one service relating to a service provider's network, providing an agent for installation on the user's premises and for coupling to the service provider's network via a physical connection (see Fig. 1, "Router" 115, acting as a DHCP relay "agent", see ¶0029, also the examiner notes that router 115 is inherently installed on the user's premises (see ¶0009, wherein the router is located at the border between the local network of the subscriber [*read as the user's premises*] and an access network of the home service provider) in response to a user's desire for accessing a home service provider's access network, Fig. 1, ref. 170);

Automatically detecting at the agent an installation of a communications device (see Remote Machine Fig. 1, ref. 110 and 111 and ¶0027) to a local network coupled to the agent (see Fig. 1 and ¶0033, wherein the remote machines 110 and 111 are in communication with the router 115 via the local network of the subscriber, thus inherently the router 115 (read as an agent) has automated instructions for detecting the presence of the remote machines 110 and 111 in order to communicate with them);

Automatically offering via the communications device a plurality of user selectable service options relating to the service provider's network (see ¶0007 and ¶0037-¶0038).

In response to a selection of at least one service option from the plurality of service options, providing via the agent a user connection address ('IP address' see ¶0042-¶0044).

Nassar does not expressly teach the agent detecting at least one capability of the communications device and wherein the user selectable service options are related to the at least one capability of the communications device.

Nevertheless, in the same art of network device configuring, Watanabe teaches an "application awareness application" 134 that is used to detect a type of application (*read as a capability*) that is being used by a communication device. The application awareness application 134 is thus used to help choose an access network 136 (*read as a service option*) that is suitable for the application being used by the communication device 14 (see ¶0049-¶0051).

One of skill in the art would have been motivated to modify the teachings of Nassar with the teachings of Watanabe, for including an application awareness application for detecting a type of application running on a communications device and providing a service option related to the type of application. The motivation for doing so would have been to provide a user with service options that match a quality of service requirement associated with applications running on remote machines 110 and 111 of Nassar's invention.

As per claim 2, Nassar further teaches receiving the user's request for at least one service relating to the service provider's network (see ¶00337).

As per claim 3, Nassar further teaches coupling the agent to the service provider's network (see Fig. 1, wherein the router, read as an agent, is coupled to the Home Service Provider Network 170)

As per claim 4, the combination of Nassar and Watanabe further teaches detecting the at least one capability of the communications device (see Watanabe, ¶0049-¶0051).

The same motivation that was utilized for combining Nassar and Watanabe in claim 1 applies equally well to claim 4.

As per claim 5, Nassar further teaches registering the communication device with the service provider's network (see abstract).

As per claim 7-9, Nassar further teaches wherein the physical connection comprises a cable modem, DSL model, and a telephone modem (see ¶0008, "cable, DSL, and telephone lines").

As per claims 13-15, Nassar further teaches the communications device is a computer, telephone, and a multimedia device (see ¶0027).

As per claim 17, Nassar further teaches wherein the user connection address is an e-mail address (see ¶0048).

As per claim 18, Nassar further teaches wherein the user connection address is an IP address ('IP address' see ¶0042-¶0044).

Claims 19-20 are rejected under the same rationale as claims 1-5, 7-9, 13-15 and 17-18 since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited art.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nassar (US 2004/0004968) ("Nassar") in view of Watanabe et al. (US 2003/0148777) ("Watanabe"), in further view of Ristau et al. (US 6,374,307) ("Ristau").

As per claim 6, Nassar does not expressly teach accounting for a service provided to the communications device via the service provider's network.

Nevertheless, in the same art of computer network configuring, Ristau teaches a system for accounting for a customer's usage of ISP services (see col. 5, lines 1-22).

One of ordinary skill in the art would have been motivated to modify the teachings of Nassar with the teachings of Ristau for accounting for a service provided to the communications device via the service provider's network. The motivation for doing so would have been to provide a source of revenue for the home service provider in Nassar's invention.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nassar (US 2004/0004968) ("Nassar") in view of Watanabe et al. (US 2003/0148777) ("Watanabe"), in further view of Kimball (US 6,374,307).

As per claim 10 Nassar does not expressly teach the physical connection comprising a wireless modem.

Nevertheless accessing a server provider's network via a wireless modem's was well known in the art at the time of the invention. See for example, Kimball (US 6,028,984) which discloses the use of a wireless modem for accessing a subscriber's network (see abstract and Fig. 1).

One of skill in the art would have been motivated to modify the teachings of Nassar for using a wireless modem. The motivation for doing so would have been to take advantage of the benefit of having a wireless connection such as increased mobility.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nassar (US 2004/0004968) ("Nassar") in view of Watanabe et al. (US 2003/0148777) ("Watanabe"), in further view of Nonomura (US 6,028,984).

As per claim 11 Nassar does not expressly teach the physical connection comprising an optical fiber.

Nevertheless accessing a server provider's network via an optical fiber was well known in the art at the time of the invention. See for example, Nonomura (US 6,028,984) which discloses an optical fiber connection (see Fig. 1 and col. 5, lines 63-67).

One of skill in the art would have been motivated to modify the teachings of Nassar for using a optical fiber connection. The motivation for doing so would have been to provide a high speed connection to the subscriber's network.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nassar (US 2004/0004968) ("Nassar") in view of Watanabe et al. (US 2003/0148777) ("Watanabe"), in further view of Clark (US 2002/0131123).

As per claim 12 Nassar does not expressly teach the physical connection comprising a free-space optics connection.

Nevertheless accessing a server provider's network via a free-space optics connection was well known in the art at the time of the invention. See for example, Clark (US 2002/0131123) which discloses a free-space optics connections (see abstract and Fig. 1).

One of skill in the art would have been motivated to modify the teachings of Nassar for using a free-space optics connection. The motivation for doing so would have been to

provide a connection to a subscriber's network that avoids the need to install costly fiber optics lines, coaxial cables and phone lines (see Clark, 0027).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nassar (US 2004/0004968) ("Nassar") in view of Watanabe et al. (US 2003/0148777) ("Watanabe"), in further view of Andersson (US 6,938,079) ("Andersson").

As per claim 16, Nassar does not expressly teach wherein the user connection address is a telephone number.

However, in the same art of network configuring, Anderson teaches a system for providing a client device with one or more telephone numbers for establishing a connection to one of a plurality of computers owned or managed by an ISP (see Fig. 14, col. 42, line 56-col. 43, line 10).

One of ordinary skill in the art would have been motivated to modify the teachings of Nassar with the teachings of Andersson. The motivation for doing so would have been to access the subscriber's network via a dial-up connection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure (see PTO 892).

Art Unit: 2151

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brendan Y. Higa whose telephone number is (571)272-5823. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BYH
/John Follansbee/

Supervisory Patent Examiner, Art Unit 2151